

## REMARKS

This Amendment is submitted in response to the Office Action dated May 12, 2008. The Office Action rejected claims 29 and 36 under 35 U.S.C. §101; provisionally rejected claims 19, 27, 28, 29, 30, 35 and 36 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13, 17, 18, 19, 20, 21, 22, 23 and 24 of copending application No. 10/515,976; and rejected claims 19-36 under 35 U.S.C. §102 (e) as being anticipated by Shiloh (US 2001/0037316 A1) (“*Shiloh*”). Claims 19, 27, 28, 30, 34 and 35 are amended herein. Claims 29 and 36 have been cancelled without prejudice or disclaimer. Applicant respectfully submits that the rejections have been overcome, as set forth in detail below. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Regarding the rejection of claims 29 and 36 under 35 U.S.C. §101, claims 29 and 36 have been amended to overcome the rejection. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Regarding the provisional rejection of claims 19, 27, 28, 29, 30, 35 and 36 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 13, 17, 18, 19, 20, 21, 22, 23 and 24 of copending application No. 10/515,976, Applicant submits the rejection is improper and should therefore be withdrawn. Application No. 10/515,976 involves semiconductor light emitting displays. In contrast, the current application involves information management and information processing. *See e.g.*, p. 4, lines 1-16. Therefore, the rejection is improper, and Applicant respectfully request withdrawal of same.

Regarding the rejection of claims 19-29 and 30-36 under 35 U.S.C. §102(e) as being anticipated by Shiloh, independent claims 19, 27, and 28 have been amended to recite, in part, “character selection means for selecting said character from among characters of which image data is stored in said storage means based on user feature information indicative of a user and at least one other person of said information processing device and said character feature information wherein the character selected is the same as the at least one other person.” Independent claim 29 has been amended to recite, in part, “selecting said character from among characters of which image data is stored in said storage control step on the basis of user feature information indicative of a user and at least one other person of said information processing device and said character feature information.” Support for the amendments can be found at, for example, p. 23, lines 12-13 of the Preliminary Amendment dated November 2, 2005. Shiloh

does not teach “character selection means for selecting said character from among characters of which image data is stored in said storage means based on user feature information indicative of a user and at least one other person of said information processing device and said character feature information wherein the character selected is the same as the at least one other person” or “selecting said character from among characters of which image data is stored in said storage control step on the basis of user feature information indicative of a user and at least one other person of said information processing device and said character feature information.” Instead, Shiloh teaches away from this: “For example, the user may construct an image and/or voice of the virtual entity, by selecting among a variety of choices made available on the AVPP website, which choices may include selection of body parts that may be combined into a *unique image* representing the virtual entity. The virtual personalities created or acquired by users 110 and 111 may be the equivalent of any real world entities, such as people, animals (e.g., pets), or corporations. The *customized virtual entities* may be used to surf the Internet, and to interact with other real and/or virtual entities on the Internet, *being limited only by their imagination.*” (emphasis added) See Shiloh at paragraph [0056]. As such, claims 19, 27, 28 and 29, and claims 20-26 that depend from claim 19, are now in condition for allowance. Accordingly, Applicant respectfully requests that the 35 U.S.C. §102(e) rejection of claims 19-29 in view of Shiloh be withdrawn.

Regarding the claims 30-36 under 35 U.S.C. §102(e) as being anticipated by Shiloh, independent claims 30, 34, and 35 have been amended to recite, in part, “wherein the predetermined character is the same for at least two users of the network.” Independent claim 36 has been amended to recite, in part, “controlling reception of image data of a predetermined character transmitted from said information management device wherein the predetermined character is the same for at least two users of the network.” Support for the amendments can be found at, for example, p. 23, lines 12-13 of the Preliminary Amendment dated November 2, 2005. Shiloh does not teach “wherein the predetermined character is the same for at least two users of the network.” Instead, Shiloh teaches away from this: “For example, the user may construct an image and/or voice of the virtual entity, by selecting among a variety of choices made available on the AVPP website, which choices may include selection of body parts that may be combined into a *unique image* representing the virtual entity. The virtual personalities created or acquired by users 110 and 111 may be the equivalent of any real world entities, such

as people, animals (e.g., pets), or corporations. The *customized virtual entities* may be used to surf the Internet, and to interact with other real and/or virtual entities on the Internet, *being limited only by their imagination.*" (emphasis added) See Shiloh at paragraph [0056]. As such, claims 30, 34, 35 and 36, and claims 31-33 that depend from claim 30, are now in condition for allowance. Accordingly, Applicant respectfully requests that the 35 U.S.C. §102(e) rejection of claims 19-36 in view of Shiloh be withdrawn.

Accordingly, for at least the foregoing reasons, Applicant respectfully submit that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY \_\_\_\_\_

Thomas C. Basso  
Reg. No. 46,541  
Customer No. 29175

Dated: August 5, 2008